

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
MAY 19, 2009  
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and Invocation was given by Councilman Christian Portwood.

## **ROLL CALL**

### **PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Nancy Olson  
Councilman Phil Owens  
Councilman David Dirkschneider  
Councilman Mike Gossman (arrived 6:02 p.m.)  
Councilman Christian Portwood  
Councilman Dean Johnson  
Councilwoman Cathy Maxey

### **ABSENT**

Councilman Doug Davis

## **STAFF PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Robert Jernigan, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Kevin Strong, City Inspector  
Scott Barrett, City Engineer  
Wiley Rice, City Planner

2. Presentation of a 5 year service pins to Public Works Director Mike Turman and an award to Sewer Supervisor Brad Seale on his retirement.

The Mayor presented a 5 year service pin to Mike Turman and a gift to Brad Seale.

3. Call to the Public.

Jan Blake announced that the group for Beautification of Warr Acres and Recycling are selling "Trashy Friend" t-shirts to raise money for beautification. She also stated that Engineer Barrett had told her that through the work of the committee they had saved the city nearly \$10,000 in fines from DEQ.

Bob Wehba said that he had received a letter from EMSA about Oklahoma City funding through a charge on their water bill and he had received several calls because Warr Acres residents are confused about the letter and the city needs to put the information in the newsletter.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.

A. Approval of the minutes from the Regular meeting of April 21, 2009. \*\*\*\*

B. Approval of Expenditures ****	General Fund	\$125,229.97
	E911 Fund	\$ 1,050.00
	CIP Fund	\$ 5,730.78
	Sewer Line Maint.	\$ 1,750.00

C. Approval of Actual Expenditures for April 2009 and Proposed Expenditures for May 2009. \*\*\*\*

D. Sales Tax History Report. \*\*\*\*

Councilman Johnson said he would like to have item A pulled.

Motion by Owens, second by Portwood to approve items B, C, and D. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on items removed from the consent docket.

Item A.

Councilman Johnson said that he needed to abstain on the minutes so that is why he wanted the item pulled.

Motion by Dirkschneider, second by Owens to approve item A. Poll vote: Johnson, abstain; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. \*\*\*\*  
Chief Patty told the council that former Officer Jerry Scott, who had worked for the city from 1976 to 1996, had passed away last week.

Chief Carter said that there was a box in the lobby of City Hall and one in the Police department for donations for the Infant Crisis Center. He thanked the Department of Homeland Security for two Defibrillators and a Thermal Imager that would have cost the city around \$24,000. He told the council that last weekend was the fill the boot for MDA and they raised around \$3,000.

Attorney Jernigan told the council that the suit that had been filed by Bill Overton and been dismissed without prejudice. He said that the court sustained the motion to dismiss.

PWD Turman told the council that CEO Greenwood had picked up 82 signs, done 30 abatements on properties and worked inoperative and for sale vehicles between 50<sup>th</sup> and 63<sup>rd</sup>. He said that the manhole rehabilitation on Covington Lane was complete. They had worked to unplug the interceptor line at Wood Creek. He said that he had been reviewing the expenses of the Public Works departments and was trying to get a handle on them. He said that Inspector Strong was doing a great job with all the new construction at the new housing addition, hotel, and Golden Corral. He told them that the Putnam City new building was in the final phase. He also told them that they were working on getting information together to apply for some of the stimulus money available for energy conservation.

Planner Rice stated that the Community Action Agency had received a great deal of money to assist people in repairs to their homes and anyone could call 232-0199 to see if they are eligible. He said that they allow up to \$6,100 per home.

Engineer Barrett apologized for being late; he had a meeting in another town. He told the council that the Pines Dam work had begun and it was leaking a great deal so they would need to keep an eye on it. He said that on the Flow metering project they would have a pre-work meeting at city hall tomorrow. On the 63<sup>rd</sup> overlay they had turned in the plans to ODOT and drafted an agreement with OKC. He said he hopes it will be ready to go by July. He said the project will run from just east of MacArthur to one house east of Ann Arbor and they will mill it down and then overlay with asphalt. He said that the poles and materials have been ordered for the signal at 63<sup>rd</sup> and Grove and there was a 90-120 day wait. Councilman Gossman asked about an area where OKC had repaired a water line and left the street a mess. Mayor Woolley stated that he and Mr. Turman had gone and taken a look at the area and said that it was a temporary repair to the street and that a company would be hired to do the permanent repair. Mayor Woolley also stated that they were looking into all options on how to remedy the problem of the sinking street at 66<sup>th</sup> and MacArthur.

Item 24 was heard after item 6.

Item 7 was heard after item 11.

7. Final Public hearing and possible action on a sign variance for an electronic message board located at 5500 NW Expressway. \*\*\*\*

PWD Turman told the council that there were no protests and that the council is who approves electronic signs.

Motion by Johnson, second by Gossman to close the public hearing. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Motion by Portwood, second by Olson to approve the sign variance. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

8. Final Public hearing and possible action on a sign variance for an electronic message board located at 6019 NW 50<sup>th</sup> St. \*\*\*\*

PWD Turman said there were no protests; the drawing of the sign was in their packet.

Motion by Johnson, second by Dirkschneider to close the public hearing. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Motion by Dirkschneider, second by Portwood to approve the sign variance. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on appointing a replacement to the Planning Commission, Ward I seat for Stan Street who has moved out of Warr Acres. Term to expire October 2010.

Councilwoman Maxey stated that she is working with Councilman Davis to find a person to fill the position. She asked if the city could run an ad for the position in

the Tribune. Clerk Ramirez stated that it could be placed on the city TV channel and the web site.

Motion by Dirkschneider, second by Maxey to continue the item to the June meeting. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on a contract with Crawford and Associates for Accounting and Consulting services. \*\*\*\*

Councilman Gossman stated that Crawford's had done wonderful work for the city.

Motion by Gossman, second by Owens to approve the contract. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, nay; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

Item 12 was heard after item 10.

Item 11 was heard after item 2.

11. Discussion and possible action on acceptance of the FY 07-08 Annual Audit. \*\*\*\*

The Mayor stated that Mr. Lonnie Heim was present to answer any questions that the council might have. There were no questions.

Motion by Johnson, second by Olson to accept the audit. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 7 was heard after item 11.

Item 12 was heard after item 10.

12. Discussion and possible action on having an audit done on the Utility services of the city. \*Owens\*

Mayor Wooley stated that he had called Crawford's office and spoken with one of his people. They had told him that it would run a minimum of 40 hours at \$100 per hour. Councilman Owens stated that what he wanted was to see if the rate the

utility customers are paying is adequate to cover the expenses of running the Sanitation and Sewer departments. He said that they had passed Ordinances that said they would review the rates annually and he wanted this information so they could make an informed decision as to the rates. He said that he felt the money would be well spent to get the information. This will be placed back on the agenda at a later date.

13. Discussion and possible action on the adoption and implementation of the revised Henley Pay Plan (City of Warr Acres).

The Mayor stated that he would like to do this at budget time and approve and implement it in the new budget for July 1<sup>st</sup>. Attorney Jernigan stated that it will have to be approved by Ordinance.

14. Discussion and possible action on a Resolution adopting the new Personnel Manual as prepared by Doug Henley. \*\*\*\*

Clerk Ramirez stated that the staff is very happy with the finished handbook. Mr. Henley told the council that he had lots of help from the staff and they had done a great job in working with me to get it just right.

Motion by Dirkschneider, second by Olson to approve the Resolution (#447).  
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 21 was heard after item 15.

15. Discussion and possible action on clarifying what exactly the council wanted charged to the Public Safety Tax Fund concerning the raises given to the Police and Fire. (see attached explanation) \*\*\*\*

Clerk Ramirez stated that she had written a memo that was included in the agenda packet on how she thought the council wanted to handle the expenses of the Police and Fire raises. She said that there needed to be, in the minutes, outlined on how the expenses were to be handled. She said if they approved of how it was written then she is asking for them to vote to approve it as written.

Motion by Johnson, second by Dirkschneider to approve as written the way the raises are to be expensed. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

16. Approval of appropriation of funds in the CIP fund for the purchase of 8 Special LED light bars. (see attached explanation). \*\*\*\*

Clerk Ramirez stated that the original appropriation was done in the FY 07-08 budget and was not carried over to the FY 08-09. The purchase was not completed until FY 08-09.

Motion by Owens, second by Portwood to approve the appropriation. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

17. A. Discussion and possible action on an Ordinance amending 9.64 adding Section 020 prohibiting the use of city addresses, phone numbers, seal, or other information in any manner that could mislead recipients as to the origin of communications. \*Owens\* \*\*\*\*

Councilman Owens stated that the Ordinance has the proper section identified and a penalty defined per offence. He said that this was brought up due to a mailing that went out during the last election that appeared to be from the city.

Motion by Johnson, second by Dirkschneider to approve the Ordinance (#1065). Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

- B. Approval of the emergency clause.

Motion by Johnson, second by Owens to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

18. A. Discussion and possible action on an Ordinance pertaining to Impoundment of Vehicles. \*\*\*\*

This ordinance was on the April agenda for discussion and if everyone is agreeable it is now ready for approval. Attorney Jernigan stated that it is exactly what Midwest City approved as did Bethany. It gives authority to impound and charge an administrative fee.

Motion by Dirkschneider, second by Owens to approve the Ordinance (#1066).  
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

B. Approval of the emergency clause.

Motion by Dirkschneider, second by Owens to approve the emergency clause.  
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

19. A. Discussion and possible action on an Ordinance amending the Defined Contribution Plan and approving the Joinder Agreement.

Motion by Owens, second by Olson to approve the Ordinance (#1067). Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

B. Approval of the emergency clause.

Motion by Johnson, second by Portwood to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

20. Questions and Comments from Councilmembers.

Councilman Gossman said some people have worked very hard to make the Community Center nice. He said that the lady that writes the article needs to stop referring to the Center as the Salvation Army Warr Acres Community Center. It is not the Salvation Army's, it belongs and is maintained by the city. He asked what was being done with the old fire rescue truck and Chief Patty stated that it was used for SWAT and Tactical teams. Councilman Gossman said that he received a call concerning a break in down on 40<sup>th</sup> Street and asked if they could up the patrols in the area. He also stated that the crossing guard should not be directing traffic when there are not children to cross the street. He said that the last two council meetings have been very nice.

Councilman Dirkschneider said that soon the citizens could go online and fill out a survey concerning the mass transit system and how it might be used by them.



Mayor Woolley thanked all the council and stated that he really appreciated everyone working together.

Councilman Portwood asked about the alarm ordinance that was to be on this agenda. Attorney Jernigan stated that Chief Carter had brought to his attention another ordinance that is already on the books that will need to be amended before they approve the new ordinance. Councilman Portwood wished everyone a Happy Memorial Day and stated that we are here because of those who have come and gone before us.

Item 23 was heard after item 20.

Item 21 was heard after item 15.

21. Discussion and possible action concerning contract negotiations for July 1, 2009 through December 31, 2009 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups.  
\*Puckett\*

Attorney Jernigan recommended entering into executive session with Tony Puckett to stay.

Motion by Gossman, second by Portwood to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 7:23 p.m.

The council returned to open session at 7:40 p.m.

Motion by Owens, second by Portwood to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 15 was heard after item 21.

Item 22 was heard after item 24.

22. Discussion and possible action on adoption of a resolution authorizing a response to the application of Cherokee Crossing developer to vacate the prior plat as set

forth (In the Matter of the Application of Cherokee Crossing Development to Vacate a Portion of the Plat of Cherokee Hills Section 6 Addition to Warr Acres, Oklahoma as recorded in Book 49 of Plats at Page 67. Oklahoma County District Court, Case No CJ-2009-3386.); including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. \*Jernigan\*

Attorney Jernigan stated that he did not feel that the council needed to enter into executive session because there would be no harm done to discuss it in open session.

Jim Kelly stated that the plat they were asking to be vacated was drawn up in 1981. It had large lots and intended for commercial use. It showed some water and sewer lines. He said the new plat for Cherokee Crossing Phase I has smaller lots, new streets and utilities. The north section will remain commercial and not be vacated. He said they have drawn up an arrangement that would allow the city to retain the easement and take care of the utilities. The city will also be able to create new easements, release partial or full easements if all parties agree. This is a title clean up matter.

Motion by Dirkschneider, second by Maxey to approve the vacation of the plat and authorize the Attorney and the Mayor to execute the necessary documents with the same terms as proposed by OKC not resisting the petition to vacate.  
\*\*\*\*\* Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 11 was heard after item 22.

Item 23 was heard after item 20.

23. Discussion and possible action concerning litigation Union Pacific Railroad vs. Warr Acres (Double Eagle Refinery Superfund site), EPA vs. Warr Acres, and ODEQ vs. Warr Acres, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. \*Jernigan\*

Attorney Jernigan recommended the council enter into executive session.

Motion by Portwood, second by Johnson to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council took a recess from 8:07 p.m. until 8:17 p.m. and then entered executive session.

The council entered into executive session at 8:17 p.m.

The council returned to open session at 8:36 p.m.

Motion by Owens, second by Portwood to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Motion by Owens, second by Portwood to authorize the Attorney and Mayor to execute the necessary documents not to exceed \$30,000. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 25 was heard after item 23.

Item 24 was heard after item 6.

24. Discussion and possible action on a pending investigation concerning employee benefits, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. \*Love and Jernigan\*

Attorney Jernigan recommended entering into executive session with Margaret Love to stay.

Motion by Owens, second by Gossman to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 6:22 p.m.

The council returned to open session at 6:49 p.m.

Motion by Johnson, second by Owens to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 22 was heard after item 24.

Item 25 was heard after item 23.

25. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

**Moot.**

The Mayor asked the council when they would be available for a Budget meeting. June 2<sup>nd</sup> at 6:00 p.m. there will be a Budget meeting.

26. Adjournment.

Motion by Dirkschneider, second by Portwood to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

### **CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING**

**TUESDAY  
MAY 19, 2009  
7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 8:44 p.m. Declaration of a quorum present was given.

## **ROLL CALL**

### **PRESENT**

Chairman Patrick Woolley  
Vice-Chair Nancy Olson  
Trustee David Dirkschneider  
Trustee Mike Gossman  
Trustee Phil Owens  
Trustee Dean Johnson  
Trustee Christian Portwood  
Trustee Cathy Maxey

### **ABSENT**

Trustee Doug Davis

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of April 21, 2009. \*\*\*\*

Motion by Owens, second by Dirkschneider to approve the minutes. Poll vote: Johnson, abstain; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, abstain; Olson, yea; and Woolley, yea.

### **Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$62,401.22 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2009. \*\*\*\*

Motion by Dirkschneider, second by Portwood to approve the payment. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

### **Motion Passed Unanimously.**

4. Approval of payment of claims for the Sewer department. \*\*\*\*

Motion by Johnson, second by Olson to approve the payment of claims. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on a Memorandum of Agreement between the City of Warr Acres Public Trust and the Board of County Commissioners concerning development permits and floodplain management. \*\*\*\*

Attorney Jernigan stated that he did not think that the Trust could approve the agreement as it is written because it says the City of Warr Acres not the Trust. Clerk Ramirez stated that as she understood it that the city takes rip rap to the plant and it is used to line the creek to prevent erosion and now they have been told they can no longer do that and want agreements with the Bethany/Warr Acres Trust and both cities. Attorney Jernigan stated that he would need to check into it and get back with them.

**No action was taken.**

6. Adjournment.

Motion by Dirkschneider, second by Owens to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk